1: Junod M-5 (1895-1909)1927 Thonga

789 761 "*ringela bowumba*," from the verb ringa, to try ; it is the attempt to bring some influence to bear on the misfortune of the bereaved mother.)

9) Adultery.

837 595 Amongst the Thongas *true* adultery for a *man*, married or unmarried (bumbuye), consists in committing sin with a married woman. Should he have relations with a girl, it leads to no consequences at all. Nobody will blame him, if the girl does not conceive. Should she have a child, he will only be forced to marry her ; she will become his second wife. His first wife will not at all resent his bad conduct. Sometimes she will herself get him the girl he wants. There is nothing in her heart like the jealous dignity of a European spouse! She will keep all her capacity for jealousy (bukwele) for the time when the second wife comes to the village, and shares with her the affection of their common husband! Adultery with an unmarried woman is nothing more than "gangisa."

837 684 692 But should a man have abducted a *married woman*, a woman who has a master (ñwinyi), who has been paid for, then the matter becomes very serious. The husband is very skilful at discovering her misdoing. As soon as he begins to have doubts about the fidelity of his wife, he chooses a friend and asks him to watch her. She is very cunning, her lover also ; but the friend is on the watch and some time perhaps, catches them in the bush, when she goes to gather fuel, or near the pool, where she draws her water. He comes back to the husband and informs him that he has caught them in the very act. Then the husband tells his wife that proof has been obtained and that she had better go at once to her lover and take something from his hut ; she obeys, and comes back with his blanket or any other object. This is "la pièce à conviction." The husband goes with it to the counsellor who is in charge of his village ; together they apply to the chief. The chief sends the counsellor who is responsible for the village of the lover to summon him. The confrontation takes place and the story of the case is investigated.

1: Junod M-5 (1895-1909)1927 Thonga

837 684 692 The woman is questioned, and confesses when, where, and how many times he has sinned with her. If he denies this, the object taken from the hut is exhibited. The adulterer is condemned by the chief to pay a *whole lobolo*, £ 15 to £ 20, as much as is necessary to buy a wife. He is rebuked before the whole assembly. "If you had taken a girl, it would not have mattered at all. Why did you abduct a married woman ? Do you not know that it breeds endless trouble at court (tindaba) ?"

The counsellor of the deceived husband goes to the counsellor of the lover to claim the money. The latter must go to the guilty man. The parents of the adulterer insult their son : "You see! All this money lost now! If only you had lobola a wife with it!" They must help him to find it at once, because this is a law universally recognised : the price of adultery must be forthcoming. (Nandju wa bumbuye a wu pfumali). The poor man will have to pay ; he will even have to add a hoe to "drive away" (hlongola) the counsellor, who keeps it for his reward!

837 684 783 753 608 Why is adultery so strongly prohibited and punished ? Not at all from any moral consideration of purity or chastity, but for two other reasons. First a social one. Adultery with a married woman is a theft, because she is owned by a master. She is not punished herself, except when the watcher finds her out and gives himself the pleasure of thrashing her to his heart's content. The whole punishment falls on the man ; he is the thief. But there is also a physical reason for it : the *matlulana*! We have already met with this word. *Tlulana* means to jump over each other, to compete with each other. In the sexual domain it is said of two men who have relations with the same woman. "They have met [826] together in one life through the blood of that woman ; they have drunk from the same pool" (Viguet). This establishes between them a most curious mutual dependence : should one of them be ill, the other must not visit him ; the patient might die. If he runs a thorn into his foot, the other must not help him to extract it ; it is taboo ; the wound would not heal. If he dies, his rival must not be present at his mourning or he would himself die (See page 137). Should he even be the actual son (sometimes it happens that a son commits adultery with one of the younger wives

622 is taboo for the women to eat it, or the under lip (See p. 184).
596 From each limb a small piece is taken (tshumbuta) and
264 placed on a skewer; it is the portion of the shepherds and of
554 the butchers, (makotjo ya babyisi). (See the tale of Piti, *Chants et Contes des Ba-Ronga*, page 152). Sometimes the shepherds also receive the lungs and the spleen.

This way of distributing ox meat is called "ku tlhaba homu ba hamba milao," viz., "to kill an ox according to rule." Should a younger brother or a son kill an ox, he will send the breast to the master of the village, but he keeps all the limbs and does not observe the rules because, as he says: "It is enough to pay taxes to the chief of the country." Often one of the legs is sent to the chief of the clan.

Strange to say when a goat is killed none of these prescribed rules are followed, as they only concern the oxen.

622 These customs show clearly the position of the headman;
596 he is the master but also the father of his subordinates, and their provider.

1) He must *watch* over the village (basopa, Dutch word passop, universally adopted by the Natives). During the night, if his son is away working in Johannesburg, he takes care that no lovers come into the huts of his daughters-in-law, (a langusa bumbuye), and if he happens to catch one, he will make him pay the fine.

622 2) He is a true *justice of peace* amongst the inmates of the
692 village, doing his best to maintain good relations amongst them.
578 Suppose for instance that the pigs belonging to one of the inhab-
685 itants come out of their enclosure and over-run the gardens of another man. This man will go and say to the owner of the pigs:
643 "Such and such a thing has happened, please close the pigs' kraal more carefully." Should the same thing happen a second time, he will complain to the *numzane*. The headman will then go to the culprit and say: "You have not heeded the warning; you must pay compensation (djiha)." If the culprit listens to the "voice of the blood" (bushaka), he will obey and the matter will end smoothly; if not, the headman can only keep silent: he has no soldiers, no means of enforcing his judgment; the plaintiff will then go to the chief of the tribe to complain. The case will be

judged before the Court, in the capital, because the offender has refused to follow the way of persuasion, he has "mocked the family love" (a yalile bushaka). Such misdemeanours are very frequent in the life of the village. Most of the Natives bear philosophically with these annoyances. Should some one, however, be really ill-natured, and wear out their patience (wa ku karata), he will be forced to build a hut for himself, alone, outside the village. If the damage is done by *children*, if they have stolen sweet potatoes, as we have seen, the wronged proprietor gives them a good thrashing but does not claim a fine. Occasionally the headman himself thrashes them in presence of their father, and the father will say to them: "You see the numzane will beat you if you are not good." Children who mock at cripples are also severely beaten by him, all the more so as, in this case, the offended party has the right of claiming a fine.

3) The headman also possesses *authority over his younger brothers and his children*. He can even confiscate their money if one of them is addicted to drinking and ruins his property. However his authority in this respect must not be overstepped, and the headman must take care how he exercises it, as it is based more or less on sufferance. The younger brothers, for instance, maintain the right of making contracts, especially lobola contracts. Should the numzane restrict their liberty too much, they will leave him and found their own villages. A successful headman is he who knows how to keep the whole family together to the general satisfaction.

4) The headman has also the right of imposing *statute labour*, especially when the oxen kraal must be rebuilt, or when the weeds must be removed from the hubo ; he sends his young men to do the work. But he must not exact too much from his people or forget to feast them with beer or with meat when the work is finished.

5) Lastly the headman *presides over all the discussions* which take place in the village. He is the master of the hubo. The discussion can be conducted in three different places ; when it deals with a secret matter, the men go *inside the hut* : they debate the matter indoors (ba bulabula ndlwen). Private questions

2) Civil cases.

692 I will not assert that Thongas know the exact difference between
622 civil and criminal cases, the same tribunal judging them both and
643 all being called by the same name, milandju.

681 If any distinction is made, it would be between private and official cases, *private cases* being those which are settled by the two parties concerned alone, without the intervention of the chief ; whilst *official cases* are those in which the matter (mhaka) has been brought to the capital. As already explained, the headmen of the village try to settle the difficulties themselves ; if they succeed, all the better, as the fine will be reduced to its minimum, whilst, before the Court, the fine would be doubled and the chief would keep half of it!

691 Ninety per cent of the civil cases are in connection with *lobola*. These are sometimes most intricate and I would refer to the description already given of some of them (p. 282 and Appendix VIII).

691 *Divorce* cases are also common. When a woman has definitely
586 left her husband, her relatives must return the lobolo money.
643 "You must give up to them £ 5 or an ox," says Mankhelu. The
614 chief Mubvesha who was known for his avarice used to arrest the husband and make him pay £ 25 ; he returned £ 15 to the wife's relatives and kept £ 10 for himself.

When money is returned, the children belong to the mother (See page 279).

691 Many cases may occur in connection with *cattle*. The case of
643 *redhibition* is foreseen : when I buy an ox and it dies on my hands
[illegible] from a disease which was not known at the date of my purchase but which already existed, I have the right to go and ask for another in its place. But I bring the skin of the dead ox with me and one hoe inside it for the meat which I have eaten. If the seller refuses to accept my claim, I go to the chief and complain. He will summon the recalcitrant person and say to him : "Did not this man act well when he put a hoe inside the skin ? Give him another ox!" (Mankhelu.)

589 the chief of our Mazwaya family, Magomanyama, says that no claim is accepted for a leper, for one drowned in the river, or for anyone who dies from smallpox or from the assagay."

692 177 Of course the Ngwetsas did not accept such an answer, but this is a typical Bantu affair (sandja), showing the many blessings of the lobola custom. The matter[1] will have to be decided by the chief, or rather by the Portuguese Administrator, who must take a good deal of trouble, if he wishes to understand it rightly and to deliver an equitable judgment!

APPENDIX IX (See p. 530).

The story of Mboza and Muhambi and of the women inherited by them, illustrating the consequences of lobola and of its suppression.

177 Compare the genealogy of the Maluluke family (page 225).

545 583 Mboza had four brothers, three elder and a younger; Sam, the elder, had a son, Hlangabeza, who married by lobola a first wife and by abduction a second, Bukutje II. Fos, the second brother, married Bukutje I and had four children: three girls, Tshakaza, Estelle, Nhwanin, and one boy, Muhambi. Sam and Fos both died, so Bukutje I was inherited by Mboza and her four children went to live in his village. In the meantime Mboza became a Christian, as also did Muhambi and the three girls. Wishing to lead a Christian life, he separated from Bukutje I, who, being still a heathen, committed herself with "an empty oil-tin" (p. 213), viz., a man of Inhambane who became her servant-husband. In 1904 a Christian young man, Moses, wooed the elder of the three girls and brought £. 20 to lobola her. This money was naturally due to Muhambi in order to allow him to lobola a wife for himself, and indeed Muhambi was betrothed to Ntsheleheti, daughter of Phulan Ngwetsa. This man was still a heathen and consequently wished his daughter to be paid for.

Having been told that it is not right for a Christian to accept lobolo money, Mboza and Muhambi, actuated by a most praiseworthy scruple, decided to return the money to Moses, and Muhambi started for Johannesburg in order to earn the lobolo due to Phulan. But this was not the end of this famous "bukesi!" The younger brother, Komatan, a consistent heathen, came to Mboza, very angry with him for his

1 [See pp. 526-529 -- Analyst]

177 Governments have everywhere placed Native Commissioners to watch over their coloured subjects. This has put *an end to the tribal wars.* Natives are no longer allowed to indulge in their old fighting customs. They may avail themselves of a war between Europeans to square up old accounts with each other, as happened during the Anglo-Boer war, but they are forbidden to follow the war-path any longer. In many parts of South Africa they have even been disarmed. This change, as a whole, is a favourable one. Native wars never brought blessing to the race. It tends however to destroy one of the springs of patriotism, and in this way it impoverishes the Native mind.

643 176 631 P. 177. 64 *c)* These Native Commissioners have placed a very effective check, not only upon the military tendencies of the tribe, but upon *the power of its chiefs.* The authority of the chief in the clan has certainly been diminished. In some instances he has been deposed, or banished in consequence of war, and the tribe has remained without a head and without force, as it were emasculated, and unable to guide itself. As Mankhelu said: "Our chief is the forest into which we retreat! Without him we are but women!" This was sadly noticeable in the case of the Zihlahla or Mpfumo clan, which was perhaps the most developed of all the Ronga kingdoms and which suffered most from the 1894-96 war. Its young chief Ñwamantibyane was caught and deported to some spot in Eastern Africa, and the clan was dismembered, a great number of men emigrating to the Transvaal; the others remained dissatisfied but powerless in their old territory, and were incorporated with Matjolo or Mabota.

643 681 692 P. 177. 69 Even when the Native chief is maintained in his position by the Whites, his power is curtailed. As a judge, he is no longer allowed to inflict capital punishment. His tribunal only judges minor cases, and beside and beyond him, there is a further appeal, the Court of the White Commissioner, which is ready to consider every important case. Should the Native chief be unjust or selfish in his decisions, the subjects will go more and more to the White tribunal. It may be that their claims will not be so well understood as in their own *hubo*, but they will perhaps meet with fairer treatment. Shrewd and clever Native Commissioners thus succeed in attracting more applicants to their residences than the chief to his capital (1). This dual control leads to a progressive loosening of the tribal tie.

(1) This was the case for instance in Nwalwata. The unjust and egotistical rule of Mudungulu compelled many of his subjects to go "dikanakhwini," viz., to the Portuguese Administrator of Moamboa.

4/23 622 already been tilled and abandoned as exhausted. I noticed this at Rikatla. Muzila favoured his pagan subjects, who joined him in his drinking bouts, and invited him to orgies in their villages, at the expense of the Christians who no longer brew the byala beer. Thus interest at Court works here as elsewhere, although it be based on nothing nobler than pots of beer!

4/23 578 692 The difficulties of this system also become apparent in the more thickly populated parts of the country, where all the land has been assigned and taken up. The women look round for fresh arable land and may, wittingly or unwittingly, encroach on the ground of another numzane. There is, indeed, a neutral zone, vaguely defined, of which no one has as yet taken possession, as it has not been needed : the wild fruits growing there are common property ; any one who likes can gather them. When the population increases, the inhabitants of the more congested districts go and appropriate this land without any kind of formality. Such was the case when the people of Libombo, dwelling on the edge of the palm-marsh, (to the East of Rikatla), sent their women to the hill-side to clear a piece of land which Muzila considered to be his property. This petty chief sent remonstrances to Nkolele, his colleague, headman of the village of Libombo ; but they were not heeded. Then the men of Rikatla hid themselves in the bushes surrounding the spot in question, and, when the women commenced to hoe the ground, rushed out upon them, seized their hoes, and drove them off. This was the "fait patent," the actionable proceeding, which was necessary in order to have the matter brought before the Chief's tribunal. This incident doubtless led the parties interested to define their respective boundaries more carefully.

4/23 618 To go and till another's land would be quite impossible, even taboo, between people of different clans. In the present case, the Rikatla and Libombo men belonged to the same Nondwane country. There was a good understanding between them. The Rikatla men would not have dared to plough a field without permission on Mabota's ground, the boundary of which was on the other side of the big water-tree (muhlu).

As regards *boundary marks* between the different clans, they